

Before the  
UNITED STATES COPYRIGHT ROYALTY JUDGES  
LIBRARY OF CONGRESS  
Washington, D.C.

In the Matter of:

**DETERMINATION OF ROYALTY RATES  
AND TERMS FOR MAKING AND  
DISTRIBUTING PHONORECORDS  
(*PHONORECORDS IV*)**

**Docket No. 21-CRB-0001-PR  
(2023-2027)**

**NOTICE OF ERRATA IN SPOTIFY USA INC.'S WRITTEN DIRECT  
SUBMISSION**

Spotify USA Inc. ("Spotify") hereby notifies the Copyright Royalty Judges of the following errata contained in Volume I and Volume II of its Written Direct Statement, filed on October 13, 2021 in the above-captioned proceeding, and respectfully submits the following corrections to be made:<sup>1</sup>

**I. Volume I**

- Introductory Memorandum

- On page 9, [REDACTED]

[REDACTED] should be corrected to [REDACTED]

**II. Volume II**

- Written Direct Testimony of Benjamin Kung

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<sup>1</sup> Spotify, in conjunction with this Notice, will file corrected restricted and public versions of Volume I and Volume II of its Written Direct Statement.

- In paragraph 8, [REDACTED] should be corrected to [REDACTED]; [REDACTED] should be corrected to [REDACTED]; [REDACTED] should be corrected to [REDACTED]; [REDACTED] should be corrected to [REDACTED]; [REDACTED] should be corrected to [REDACTED]; and [REDACTED] should be corrected to [REDACTED]
- In paragraph 9, “[REDACTED]” should be corrected to “[REDACTED].”
- In paragraph 18, the [REDACTED] should be corrected to [REDACTED]; the [REDACTED] should be corrected to [REDACTED]; the [REDACTED] should be corrected to [REDACTED]; the [REDACTED] should be corrected to [REDACTED]; the [REDACTED] should be corrected to [REDACTED]; and the [REDACTED] should be corrected to [REDACTED]
- In paragraph 23, the [REDACTED]:
  - [REDACTED] should be corrected to [REDACTED]  
[REDACTED] should be corrected to [REDACTED]  
[REDACTED] should be corrected to [REDACTED] and the [REDACTED]  
[REDACTED] should be corrected to [REDACTED]

- [REDACTED] should be corrected to [REDACTED]  
[REDACTED] should be corrected to [REDACTED] [REDACTED]  
[REDACTED] should be corrected to [REDACTED] should be  
corrected to [REDACTED] and the [REDACTED] should be  
corrected to [REDACTED]
- [REDACTED] should be corrected to [REDACTED]  
[REDACTED] should be corrected to [REDACTED] [REDACTED]  
[REDACTED] should be corrected to [REDACTED] should be  
corrected to [REDACTED] and the [REDACTED]  
should be corrected to [REDACTED]
- [REDACTED] should be corrected to [REDACTED]  
[REDACTED] should be corrected to [REDACTED]  
[REDACTED] should be corrected to [REDACTED] should be  
corrected to [REDACTED] and the [REDACTED] should  
be corrected to [REDACTED]
- The [REDACTED] should be corrected as follows: [REDACTED]  
[REDACTED] should be corrected to [REDACTED]  
[REDACTED] should be corrected to [REDACTED] should be  
corrected to [REDACTED] should be corrected to  
[REDACTED] and the [REDACTED] should be corrected to  
[REDACTED]

- In paragraph 24, [REDACTED]  
[REDACTED] should be corrected to [REDACTED]  
[REDACTED]
- In paragraph 44, [REDACTED] should be corrected to  
[REDACTED] its [REDACTED] should be corrected to [REDACTED] its [REDACTED]  
[REDACTED] should be corrected to [REDACTED]; and its [REDACTED]  
should be corrected to [REDACTED].
- Written Direct Testimony of Pilar Tschollar
  - In paragraph 27, [REDACTED] should be  
corrected to “[REDACTED]
  - In paragraph 27, [REDACTED] should be corrected to [REDACTED];  
[REDACTED] should be corrected to [REDACTED]  
[REDACTED] [REDACTED] should be corrected to [REDACTED]  
[REDACTED] should be corrected to [REDACTED]  
[REDACTED] should be corrected to [REDACTED].
  - In paragraph 33, [REDACTED] should  
be corrected to [REDACTED]
  - In paragraph 33, [REDACTED] should be corrected to [REDACTED]  
[REDACTED] should be corrected to [REDACTED] [REDACTED]  
[REDACTED] should be corrected to [REDACTED] should be  
corrected to [REDACTED] should be  
corrected to [REDACTED].

- In paragraph 35, [REDACTED] should be corrected to [REDACTED]
- In paragraph 37, [REDACTED] should be corrected to [REDACTED]
- In paragraph 38, [REDACTED] should be corrected to [REDACTED]
- In paragraph 38, [REDACTED] should be corrected to [REDACTED]  
[REDACTED] should be corrected to [REDACTED]  
[REDACTED] should be corrected to [REDACTED]  
[REDACTED] should be corrected to [REDACTED] should be corrected to [REDACTED].
- In paragraph 44, [REDACTED] should be corrected to [REDACTED]  
[REDACTED] should be corrected to [REDACTED]  
[REDACTED] should be corrected to [REDACTED]  
[REDACTED] should be corrected to [REDACTED].
- In paragraph 46, [REDACTED] should be corrected to [REDACTED]; [REDACTED] should be corrected to [REDACTED]  
[REDACTED] should be corrected to [REDACTED]  
[REDACTED] should be corrected to [REDACTED]; [REDACTED]  
[REDACTED] should be corrected to [REDACTED]; [REDACTED]  
[REDACTED] should be corrected to [REDACTED]. [REDACTED] should be corrected to [REDACTED]; [REDACTED] should be corrected

to [REDACTED]; [REDACTED] should be corrected to [REDACTED]  
[REDACTED] should be corrected to [REDACTED]  
[REDACTED] should be corrected to [REDACTED]  
[REDACTED] should be corrected to [REDACTED].

- In paragraph 51, [REDACTED] should be corrected to [REDACTED] its [REDACTED] should be corrected to [REDACTED] its [REDACTED] [REDACTED] should be corrected to [REDACTED] its [REDACTED] [REDACTED] should be corrected to [REDACTED] its [REDACTED] should be corrected to [REDACTED] its [REDACTED] should be corrected to [REDACTED] its [REDACTED] should be corrected to [REDACTED] [REDACTED]

- Written Direct Testimony of Joseph Farrell, D.Phil

- On the cover page, Docket No. 21-CRB-0001-PR (2023–2028) should be corrected to Docket No. 21-CRB-0001-PR (2023–2027).
- In paragraph 13, [REDACTED] should be corrected to [REDACTED] In paragraph 13, [REDACTED] [REDACTED] should be corrected to “ranging from [REDACTED] to [REDACTED]”.
- In paragraph 13, a footnote should be added after the first sentence with a citation to “Corrected Written Direct Testimony of Benjamin Kung, *Phonoreocrds IV*, Oct. 22, 2021, ¶ 44.”
- In paragraph 13, “*Phonorecords II* rate structure that lead to distortionary effects” should be corrected to “*Phonorecords II* rate structure that leads to distortionary effects”.

- In paragraph 13, a footnote should be added after the third sentence with a citation to “Spotify Proposed and Terms (October 13, 2021), *Phonorecords IV*, 21-CRB-0001-PR (2023-2027).”
- In footnote 27 (formerly footnote 25), “compulsory public performance licenses for sound recording rights” should be corrected to “compulsory licenses for sound recording rights.”
- In footnote 27 (formerly footnote 25), “According to Section 114 of the Copyright Act” should be corrected to “For example, according to Section 114 of the Copyright Act”.
- In footnote 30 (formerly footnote 28), “¶¶ 25–26” should be corrected to “¶¶ 25–26”.
- In footnote 44 (formerly footnote 42), “*See infra* n. 51 and 59” should be corrected to “*See infra* n. 53 and 61”.
- In footnote 45 (formerly footnote 43), the citation to “*See also infra* n. 39 and 43 for more information on the royalty splits across publishers and songwriters” should be removed.
- In footnote 47 (formerly footnote 45), the citation to “*See infra* (38)–(43)” should be corrected to “*See infra* (39)–(43)”.
- In paragraph 38, (MMA) should be corrected to (“MMA”).
- In footnote 94 (formerly footnote 92), the citation to “Written Direct Testimony of Michael Katz, *Webcasting IV* proceeding, Oct. 7, 2014, ¶ 17” should be corrected to “Written Direct Testimony of Michael Katz, *Webcasting IV* proceeding, Oct. 7, 2014, ¶ 17”.

- In footnote 94 (formerly footnote 92), the citation to “Corrected Written Direct Testimony of Robert Willig, *Webcasting V* proceeding, Dec. 11, 2019, ¶ 6” should be corrected “Corrected Written Direct Testimony of Robert Willig, *Webcasting V* proceeding, Dec. 11, 2019, ¶ 6”.
- In paragraph 60, (MFN) should be corrected to (“MFN”).
- In Figure 8, [REDACTED]  
[REDACTED] should be corrected to [REDACTED]  
[REDACTED] should be corrected to [REDACTED] Further the source list in Figure 8 should also list the following: [4] [REDACTED]  
[REDACTED]  
[REDACTED]
- In paragraph 111, “Using RIAA and Spotify data” should be corrected to “Using RIAA data”.
- In footnote 177 (formerly footnote 175), “*See supra* n. 88” should be corrected to “*See supra* n. 90.”
- In footnote 195 (formerly footnote 193), [REDACTED]  
[REDACTED] should be corrected to [REDACTED]  
[REDACTED]
- In the title of Figure 9, the title should include “[RESTRICTED]”. The figures in Figure 9 should be corrected to reflect the following:  
[REDACTED]



- [REDACTED]
- In paragraph 133, [REDACTED] should be corrected to [REDACTED].  
[REDACTED] Further, [REDACTED] should be corrected to [REDACTED].  
[REDACTED]
  - In footnote 197 (formerly footnote 195), the citation [REDACTED]  
[REDACTED] should be corrected to [REDACTED] and  
should also include the following: [REDACTED]  
[REDACTED]  
[REDACTED]
  - In footnote 204 (formerly footnote 202), “She continues” should be corrected to  
“She also states”.
  - In footnote 210 (formerly footnote 208), the citation to “*See supra* V.A.1” should  
be corrected to “*See supra* n. 207.”
  - In paragraph 191, ([REDACTED] and [REDACTED], as  
should the citation to the [REDACTED].
  - In paragraph 193, [REDACTED] should be corrected to [REDACTED].
  - In the title of Figure 18, the title should include “[RESTRICTED]”.
  - All references or citations to the “Written Direct Testimony of Benjamin Kung,  
*Phonorecords IV* proceeding, Oct. 13, 2021” should be corrected to “Corrected  
Written Direct Testimony of Benjamin Kung, *Phonorecords IV* proceeding, Oct.  
22, 2021” (with appropriate pin cites).
  - All references or citations to “Written Direct Testimony of Pilar Tschollar,  
*Phonorecords IV*, Oct. 13, 2021” should be corrected to “Corrected Written Direct

Testimony of Pilar Tschollar, *Phonorecords IV*, Oct. 29, 2021” (with appropriate pin cites).

DATED: October 29, 2021

Respectfully submitted,

By: /s/ Joseph R. Wetzel  
Joseph R. Wetzel (Cal. Bar No. 238008)  
Andrew M. Gass (Cal. Bar No. 259694)  
LATHAM & WATKINS LLP  
505 Montgomery Street  
San Francisco, California 94111  
Tel.: (415) 391-0600  
joe.wetzel@lw.com  
andrew.gass@lw.com

– and –

Sarang Vijay Damle (D.C. Bar No. 1619619)  
LATHAM & WATKINS LLP  
555 Eleventh Street, NW, Suite 1000  
Washington, DC 20004  
Tel.: (202) 637-2200  
sy.damle@lw.com

– and –

Allison L. Stillman (N.Y. Bar No. 4451381)  
LATHAM & WATKINS LLP  
1271 Avenue of the Americas  
New York, NY 10020  
Tel.: (212) 906-1200  
alli.stillman@lw.com

*Counsel for Spotify USA Inc.*

# Proof of Delivery

I hereby certify that on Friday, October 29, 2021, I provided a true and correct copy of the Notice of Errata in Spotify USA Inc.'s Written Direct Statement [Public Version] to the following:

Apple Inc., represented by Mary C Mazzello, served via ESERVICE at  
mary.mazzello@kirkland.com

Powell, David, represented by David Powell, served via ESERVICE at  
davidpowell008@yahoo.com

Google LLC, represented by Gary R Greenstein, served via ESERVICE at  
ggreenstein@wsgr.com

Pandora Media, LLC, represented by Benjamin E. Marks, served via ESERVICE at  
benjamin.marks@weil.com

Zisk, Brian, represented by Brian Zisk, served via ESERVICE at brianzisk@gmail.com

Johnson, George, represented by George D Johnson, served via ESERVICE at  
george@georgejohnson.com

Amazon.com Services LLC, represented by Joshua D Branson, served via ESERVICE at  
jbranson@kellogghansen.com

Joint Record Company Participants, represented by Susan Chertkof, served via ESERVICE  
at susan.chertkof@riaa.com

Copyright Owners, represented by Benjamin K Semel, served via ESERVICE at  
Bsemel@pryorcashman.com

Signed: /s/ Joseph Wetzel